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Colonial Metal Spinning and Stamping Co., Inc. and Regency Metal Stamping Co., Inc. and Metal Spinners and Silver Plated Hollowware Workers' Union, Local 49E, Service Employees International Union, AFL-CIO; Local 74 Service Employees International Union, AFL-CIO, Its Successor. Cases 29-CA-15562, 29-CA-15813, and 29-CA-15964

June 9, 1998

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS FOX, LIEBMAN, AND HURTGEN

On January 7, 1993, the National Labor Relations Board issued a Decision and Order,¹ *inter alia*, ordering Colonial Metal Spinning and Stamping Co., Inc. and its alter ego, Regency Metal Stamping Co., Inc., the Respondent, *inter alia*, to make whole certain of its unit employees for loss of earnings and other benefits resulting from the Respondent's failure to honor its obligations under the collective-bargaining agreement with the Union in violation of the National Labor Relations Act.

A controversy having arisen over the amounts due, on February 11, 1998, the Regional Director for Region 29 issued a compliance specification and notice of hearing alleging the amounts due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations.² Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated March 11, 1998, the Region advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer were filed by March 24, 1998, summary judgment would be sought. On March 27, 1998, the Regional Director issued an Order extending the time for filing an answer to April 24, 1998. The Respondent filed no answer.

¹ 310 NLRB 21. On April 13, 1993, the United States Court of Appeals for the Second Circuit entered its judgment enforcing in full the Board's Order.

² The Regional Director reserved the right to amend the compliance specification to claim the out-of-pocket medical expenses that the employees incurred during the backpay period.

On May 13, 1998, the Acting General Counsel filed with the Board a Motion to Transfer Case to the Board and for Summary Judgment, with exhibits attached. On May 15, 1998, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the Acting General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net amounts due are as stated in the compliance specification and we will order payment by the Respondent of those amounts, plus interest accrued on those amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Colonial Metal Spinning and Stamping Co., Inc. and Regency Metal Stamping Co., Inc., Brooklyn, New York, its officers, agents, successors, and assigns, shall make whole the individuals, the Union, and the funds named below, by paying them the amounts specified, plus interest and minus tax

withholdings from the wage payments required by
Federal, state, and local laws:

Carlos Asang	\$55,644.25
Carlos Padin	\$31,514.70
Vacation Pay (as specified in appendix C of the compliance specification)	\$69,960.71
Holiday Pay (as specified in appendix D of the compliance specification)	\$56,930.72
Insurance Fund	\$48,222.59
Retirement Fund	\$7200.54

Dues \$5879.25

Total \$275,352.76

Dated, Washington, D.C. June 9, 1998

Sarah M. Fox,	Member
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Wilma B. Liebman,	Member
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Peter J. Hurtgen,	Member
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(SEAL) NATIONAL LABOR RELATIONS BOARD